IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 24258 of 2000

Between:

Puskuri Vengal Rao, S/o Mutyam Rao,
R/o Mutyampalli Village, Kasipet Mandal, Adilabad District.

..... PETITIONER

AND

1 The Superintendent of Police,
Adilabad District.
2 The Addl. Superintendent of Police,
Bellampalli, Adilabad District.
3 The Circle Inspector of Police,
Luxettipet, Adilabad District.
4 The S.I. of Police, Kasipet P.S.
Luxettipet Mandal, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in opening rowdy sheet against the petitioner at Kasipet, Police Station as illegal, arbitrary apart from being violative of fundamental rights guaranteed to the petitioner under the Constitution of India and consequently direct the respondents to delete the name of the petitioner in the rowdy sheet.

Counsel for the Petitioner: MR.V.SUBRAHMANYAM

Counsel for the Respondents : GP FOR HOME

The Court made the following :

O R D E R :

Heard both sides and at their request, the main Writ Petition itself is taken up for disposal.

The petitioner herein filed this Writ Petition, *inter alia,* seeking a Writ of Mandamus declaring the action of the respondents in opening rowdy sheet against him at Kasipet police station in Adilabad district as illegal.

The main ground of the petitioner is that he is a law abiding citizen and active politician having elected as President of grampanchayat twice from 1979 to 1992, and it is only due to political rivalries, the rowdy sheet was opened against him. In regard to the cases which has been filed against him C.C. Nos. 591 of 1995, 20 of 1996 and 594 of 1996 on the file of the Judicial First Class Magistrate, Luxettipet, Adilabad district, they ended in acquittal and therefore, no criminal case is pending against him, and so, continuation of rowdy sheet against him is unsustainable and contrary to the Police Standing Orders. Hence, this Writ Petition.

In the counter affidavit filed by the respondents herein, there is no denial of said fact of acquittal of petitioner in those cases. However, it is mentioned that one case is still pending.

The learned counsel appearing on behalf of the petitioner submits that even in respect of the other case i.e. C.C.No.545 of 1996, appeal filed by the petitioner has already been allowed as per the judgment 17.08.2001 in Criminal Appeal No.83 of 1999 on the file of the II Additional Sessions Judge, Adilabad.

Considering the submissions made and on perusal of material, it is seen that having regard to the particulars as mentioned from both sides, no case is pending against the petitioner and all the cases have ended in acquittal. As held in *Ejaz V. Government of Andhra Pradesh & others*, the requirement as per the Police Standing Order No.742 is pendency of atleast two cases against a person. Since no such case pending as on today, there is no justification on the part of the respondents to continue the rowdy sheet against the petitioner.

The Writ Petition is, accordingly, allowed. No costs.

(B.Prakash Rao, J.)

09.11.2004

DRK

Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice,

On Tuesday the Ninth day November, Two thousand and four.

….Registrar

/True Copy/

Section Officer

Copy to:

1 The Superintendent of Police,
Adilabad District.
2 The Addl. Superintendent of Police,
Bellampalli, Adilabad District.
3 The Circle Inspector of Police,
Luxettipet, Adilabad District.
4 The S.I. of Police, Kasipet P.S.
Luxettipet Mandal, Adilabad District.

5 Two CCs to the G.P. for Home, High Court of A.P., High Court buildings, Hyderabad (o.u.t.).

6 Two CD copies.